

ATTACHMENT C:

WORKING DRAFT OF PROPOSED STR REGULATIONS TO BE INSERTED INTO THE COUNTY LAND USE AND DEVELOPMENT CODE

This Draft reflect additions and revisions made since the last published version of this document was posted to the County website on August 3, 2018 for public review and comment.

NEW CODE SECTION PROPOSED IN CHAPTER 3: ZONING REGULATIONS

3821: Short-term Vacation Rentals

3821.01: Purpose and Applicability

- A. The purpose and intent of this section of the Code is to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
- B. These regulations are also intended to ensure that short-term vacation rentals are operated in a manner that is compatible with the surrounding neighborhood and protects the overall community character.
- C. The regulations set forth in this Code section shall apply to short-term vacation rental property only, as defined herein. This Code section shall not apply to the furnishing of lodging services in hotels, motels, lodges or bed and breakfast establishments, or to properties with long-term leases.
- D. This Code section shall not supersede any private covenants or deed restrictions prohibiting short-term vacation rental property.

3821.02: Definition of Short-term Vacation Rental Property

- A. **Definition:** A short-term vacation rental property, for the purpose of this Section, is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this Code.

3821.03: Zoning Districts Where Permitted

- A. Figure 3-2 identifies where short-term vacation rentals may be allowed in various County zoning districts. Short-term vacation rentals are also allowed in the antiquated residential zoning districts remaining in effect listed in Section 3305.01, unless specifically prohibited in that zoning district.
- B. PUDs: A short-term vacation rental may be permitted in specific PUDs that allow residential uses, without necessitating a PUD modification, provided such use meets the standards and criteria of Section 3821 et. seq. Short-term vacation rentals shall not be permitted in a PUD which specifically prohibits such use.
- C. Short-term vacation rentals of deed restricted affordable workforce housing or employee housing properties is prohibited unless specifically authorized by the deed restriction for the property.

3821.04: Permit Required

- A. A permit is required for each short-term vacation rental property in unincorporated Summit County. Short-term vacation rental applications will be reviewed through the Class 1 administrative review process. If the Planning Department finds that the application complies with Section 3821 of the Code, the Planning Department shall issue a short-term vacation rental permit. The permit shall be issued in the name of the owner and shall not be transferable. All short-term vacation rental properties shall receive a permit prior to advertising or operation.
- B. The Review Authority may impose any conditions of approval upon any permit in order to ensure that the criteria set forth herein, and the purpose and intent of this Section 3821, are met and adhered to.

3821.05: Application

- A. At least thirty (30) days prior to any advertising for or lease of a short-term vacation rental property, the owner shall file a written application for a short-term vacation rental permit with the Planning Department, on forms supplied by the County. The application shall not be deemed complete until all required information is submitted.
- B. Application Materials. An application for a short-term vacation rental permit shall include the following:
 - 1. Application form
 - 2. Application fee, as established by the Board of County Commissioners via resolution.
 - 3. Self-Compliance Affidavit, signed by the owner under penalty of perjury, certifying that the short-term vacation rental property is in habitable condition and complies with the health and safety standards set forth in Section 3821.08, the site plan and operation standards for mitigating community impacts set forth in Section 3821.09, and the advertising requirements set forth in Section 3821.11.
 - 4. A short-term vacation rental Local Agent and Owner Authorization Form and a copy of the designated agent's driver license and address of permanent residence. This form appoints and provides contact information for a designated local point of contact living within Summit County or within 30 miles driving distance of the property, who shall be available 24 hours per day, 7 days per week, in accordance with the requirements set forth in Section 3821.07.
 - 5. Documentation of an adequate water supply and sewer service to serve the proposed use (i.e. special district, well, septic system).
 - 6. A parking plan for the property showing adequate parking for the occupancy of the short-term vacation rental operation, which complies with the parking requirements set forth in Section 3821.09.A.
 - 7. A trash and recycling disposal plan for the property, which complies with the requirements set forth in Section 3821.09.B.
 - 8. Proof of all required state and local sales tax licenses and personal property tax declaration forms.
 - 9. A copy of the Good Neighbor Guidelines, signed by the owner, certifying that owner has read and understands the guidelines for responsible operation and will make these guidelines available to all renters in the rental agreement and by posting it in a prominent location within the property.

3821.06: Length of Validity / Permit Term

- A. A short-term vacation rental permit shall expire on September 30 of each calendar year, or when title of the short-term vacation rental property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term vacation rental property shall require a new permit.
- B. An application for renewal of a short-term vacation rental permit shall be submitted at least thirty (30) days prior to expiration of the existing permit.

3821.07: Local Agent Required

- A. Each owner of a short-term vacation rental property shall designate a local person whose physical address of residence is within Summit County or within 30 miles driving distance of the short-term vacation rental property's street address to serve as the local agent. An owner of a short-term vacation rental property may designate himself/herself as the agent, as long as their physical address of primary residence is within Summit County or within 30 miles driving distance of the short-term vacation rental property's street address.
- B. The local agent shall have access and authority to assume management of the unit and take remedial measures. The agent shall be available 24 hours per day, 7 days per week to respond to tenant and neighborhood questions or concerns.
- C. In the event of a fire ban within Summit County, the local agent is required to notify renters of the current fire restrictions and provide renters with instructions on how to access the Summit County Alert System for real-time information during their stay.
- D. The owner shall notify the Planning Department in writing of any modification to the local agent appointment within five (5) days of any such modification.

3821.08: Health and Safety Standards

- A. Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.
- B. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they

- may be normally subjected, and shall be kept in sound condition and good repair.
- C. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis per CRS 38-45-104.
 - D. An operable toilet, sink, and either bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
 - E. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the short-term vacation rental property.
 - F. Occupancy limits – permitted occupancy shall be limited to two (2) persons per bedroom, plus two additional occupants. For example, a three (3) bedroom residence shall have a maximum occupancy of eight (8) people. Additional occupancy limitations apply to any short-term vacation rental property that is served by a well and/or septic system, per the regulations set forth in Section 3821.13.
 - G. Partial home short-term vacation rentals shall be advertised and used consistent with the permitted use as a single dwelling unit including occupancy limits and access (i.e., shall not be advertised as a separate apartment, and shall not solely utilize a separate entrance).
 - H. Outdoor firepits shall be permanently installed improvements that are permitted and inspected by the applicable fire district. The use of portable outdoor fireplaces is prohibited. **[Consult with Summit Fire and EMS and insert any additional clarifying language needed.]**
 - I. Electrical panels shall be clearly labeled.
 - J. All short-term vacation rental properties shall have reliable cellular or VoIP service or provide a landline telephone within the unit to enable tenants to call 911 in the event of an emergency.
 - K. Sanitary Standards and Rules for Public Accommodations – Where Applicable, all short term rental property owners shall understand and maintain compliance with the Sanitary Standards and Regulations for Public Accommodations set forth in the Code of Colorado Regulations, Official Publication of the State Administrative Rules Section 6 CCR 1010-14. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public accommodations and community residents.
 - L. Swimming pools and spas – Any Public/Semi-Public swimming pools or spas are subject to the requirements set forth in 5 CCR 1003-5. Any Private swimming pool or spa shall be under responsible charge of a Certified Pool Operator (CPO) or equivalent as listed in section 4.9 of 5 CCR1003-5 and meet the basic aspects of the regulation to prevent illness.

3821.09: Site Plan and Operation Standards to Mitigate Community Impacts

- A. **Parking:** A minimum of one (1) parking space per bedroom is required, with a minimum of two (2) parking spaces required per unit, up to a maximum of five (5) cars permitted to be parked outdoors on any property. Designated parking spaces shall comply with all applicable parking requirements set forth in Section 3700 of this Code. All vehicles shall be parked on-site in designated parking areas; parking is prohibited on County roads, in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys or mailboxes). A copy of the County-approved parking plan for the short-term vacation rental property shall be provided to all renters in the rental agreement and posted in a prominent location within the property.
 - 1. A reduction of the minimum parking requirements may be granted by the Review Authority if the applicant agrees to limit the number of cars permitted on the site accordingly and include the allowable number of parking spaces in the short-term vacation rental advertising.
 - 2. A property owner may request an increase in the maximum number of parking spaces if the parking is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.
- B. **Trash and Recycling:** All short-term vacation rental properties shall provide a trash and recycling collection plan to ensure that containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed trash and recycling plan shall be reviewed and approved by the County during initial permit review and during review of any permit renewals. Examples of acceptable trash and recycling collection plans may include:
 - 1. Indoor storage of trash and recycling with concierge/valet collection service provided by the waste hauler at the time of pickup.
 - 2. Storage of trash and recycling using bear-proof containers.
 - 3. Trash and recycling containers to be put out by the local agent no earlier than 6:00 a.m. and returned to the designated location by 7:00 p.m. on the day of pickup.

- C. **Noise:** Renters shall be informed of the Summit County noise ordinance, which is enforced by the County Sheriff's Department for all properties located in unincorporated Summit County.
- D. **Outdoor Lighting:** All outdoor lighting shall comply with the exterior lighting requirements set forth in Section 3505.07 of this Code.
- E. **Pets:**
 - 1. If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise considerations set forth in the Summit County Animal Control and Licensing Regulations. These Regulations are enforced by the County Sheriff's Department for all properties located in unincorporated Summit County.
 - 2. All short-term vacation rental properties shall comply with the County Animal Keeping Regulations set forth in Section 3802 of this Code, and all pet food shall be stored indoors.

3821.10: Signage

- A. An owner shall post a sign conspicuously inside the short-term vacation rental property, which includes the local agent's current contact information and/or the owner's current contact information, the street address of the short-term vacation rental property and the short-term vacation rental permit number.
- B. The Good Neighbor Guidelines, parking plan and trash and recycling plan shall be posted in a prominent location within the short-term vacation rental property.
- C. Any exterior signs advertising a short-term vacation rental must first be reviewed and approved in accordance with the Summit County sign regulations contained in Chapter 9 of this Code.

3821.11: Advertising

All advertising for a short-term vacation rental property shall include the Summit County short-term vacation rental permit number, immediately following the description of the short-term vacation rental property, along with the relevant occupancy and parking limitations.

3821.12: Taxes

The owner or agent shall collect and remit the required sales and personal property taxes on each short-term vacation rental property.

3821.13: Short-term Vacation Rental Properties served by Well and/or Septic Systems

- A. **Septic Systems.** If a short-term vacation rental property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, the following requirements shall apply:
 - 1. **Occupancy Limits** - the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.
 - 2. **Use Permit** – A Use Permit for the OWTS will be required prior to the initial permit issuance effective October 1, 2019. A septic tank pumping is required every three (3) years thereafter, or more frequently as determined by the Summit County Environmental Health Department during each County review of a permit renewal application for the property. Self-certification of this requirement will be allowed for the initial application for permits first issued prior to September 30, 2019, but will be required for any renewal or new permit thereafter.
- B. **Wells.** If a short-term vacation rental property is served by an on-site well for domestic water use, well water testing will be required prior to the initial permit issuance effective October 1, 2019 and every three (3) years thereafter, or more frequently as determined by the Summit County Environmental Health Department during each County review of a permit renewal application for the property. The water sample shall be collected and tested for Total Coliform Bacteria and Nitrates by the Summit County Environmental Health Department or a state certified laboratory with a signed affidavit identifying the property where the sample was collected. Water systems that exceed the Colorado Primary Drinking Water Regulation 5 CCR 1002-11 for these two parameters will require compliance prior to permit issuance or renewal. Self-certification of this requirement will be allowed for the initial application for permits first issued prior to September 30, 2019, but will be required for any renewal

or new permit thereafter.

3821.14: Notice

Any notice required by this Code Section to be given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent permit or renewal application. Notice given to the local agent, by first-class mail to the address provided by the owner, shall also be sufficient to satisfy any required notice to the owner under this Code Section.

3821.15: Initial Complaints

Initial complaints concerning a short-term vacation rental property shall be directed to the local agent. The local agent shall respond to the complaint, including visiting the site if necessary.

3821.16: Formal Complaints, Enforcement and Permit Revocation

- A. If an initial complaint is not resolved, a formal complaint may be filed with the Planning Department or designee, on forms provided by the County. The formal complaint shall describe in detail the violation(s) of this Section alleged to have occurred on the short-term vacation rental property. Within three (3) days of receipt of such a complaint, the County shall provide a copy of the formal complaint to the owner. Formal complaints shall be signed by an individual and subject to public inspection; no anonymous formal complaints shall be accepted.
- B. The County shall investigate any formal complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Section 3821. Violations of this Section 3821 shall be subject to the code enforcement provisions set forth in Section 14300 of this Code, in accordance with any and all remedies provided by law, including but not limited to withholding any development approvals, inspections or permits and issuing stop work orders. It is the philosophy of Summit County to first educate and inform property owners or residents of the violation and provide them with an opportunity to correct the situation to comply with the requirements of this Code. If violations are not corrected or if there are repeat offenders of Code requirements, Summit County will then pursue more formal action as provided for in Section 14300 and by applicable law. Every violation of this Code may be deemed a criminal and/or civil offense and each day during which such violation continues shall be deemed a separate offense (C.R.S. § 30-28-124).
- C. If there is one or more unresolved substantiated complaints for a short-term vacation rental property, or if upon review at any time, the Planning Department determines that the permit holder has failed to comply with any of the performance standards, conditions or restrictions imposed by this Section 3821, by the short-term vacation rental permit itself, or by the representations and assertions made by the applicant in his or her initial permit application, the Planning Department may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Planning Department may revoke the permit for that short-term vacation rental property upon written notice to the owner. The County shall notify an owner, in writing, of any revocation and the reasons therefor.
- D. The owner may appeal any revocation by filing a written appeal with the Planning Department within ten (10) days of the date of the revocation notice. In the written appeal, the owner shall describe the reason for the appeal, and may request a hearing with the Community Development Director or designee. At the hearing, the owner shall have the opportunity to be heard on the revocation. Within ten (10) days of the hearing, the Community Development Director or designee shall either uphold or reverse the revocation, in writing. The decision of the Community Development Director is appealable to the respective Planning Commission pursuant to the applicable appeal procedures set forth in section 13200 of the Code.
- E. For a minimum of two (2) years following revocation of a short-term vacation rental permit, the County shall not accept an application for a new permit for the same short-term vacation rental property.

3821.17: Appeal Procedure for Denial of Permit

If the application for a short-term vacation rental permit is denied, the applicant may appeal that decision to the Community Development Director within ten (10) days of receipt of written notice of such denial, otherwise the permit denial shall be final and not subject to appeal. All decisions by the Community Development Director may then be appealed to the respective Planning Commission, pursuant to the applicable appeal procedures set forth in Section 13200 of the Code.

PROPOSED AMENDMENTS TO CHAPTER 12: DEVELOPMENT REVIEW PROCEDURES

12000: DEVELOPMENT REVIEW PROCEDURES

- A. **Procedures and Requirements:** As part of this Code, Summit County has established procedures and requirements for the review of development proposals, and for issuance of permits for the development and use of property. Such provisions are contained throughout this Code.
- B. **Basic Planning Processes:**
1. Summit County has the following six (6) basic types of development review processes:
 - a. Class 1 & 2: Planning Department review and action.
 - b. Class 3: Planning Commission and, in certain instances, Board of County Commissioner (“BOCC”) informal review and comment on proposed applications in the forum of a work session.
 - c. Class 4: Planning Commission, Board of Adjustment (“BOA”), or other Review Authority’s review and action.
 - d. Class 5: Planning Commission review and recommendation to the BOCC, followed by BOCC review and action.
 - e. Class 6: BOCC review and action.
 2. Each type of development review or planning application, as outlined in the relevant section of this Code, specifies which process shall be followed for the processing of applications. Any process outlined in other chapters of this Code and not referenced as subject to one of the development review processes outlined above is only subject to meeting those specific requirements and procedures contained in such relevant section.
- C. **Application of Development Review Processes:**
1. **Class 1: Planning Department Review and Action on Building Permits [and Short-Term Vacation Rental Permits](#):**
 - a. **General Description:** The Class 1 development review process is the administrative review process for short-term vacation rental permits, and building permits and other related permits per the applicable Building Code, and is designed to run concurrently with, and mesh with, the Building Department’s review of such permits. It is acknowledged that there may be unique situations where the Planning Department’s review of building permits as a Class 1 development review may take longer than the Building Department’s review based upon unique site considerations, such as but not limited to the presence of development constraints that pose a threat to the public health, safety or welfare. It is the goal of this process to have a seamless development review of building permit applications via the Class 1 development review process. The Class 1 development review process is designed to review [short-term vacation rental permits, and](#) building permits for development review applications that may be administratively acted on, as well as building permits for projects that are required by the provisions of the Code to be first reviewed and approved by either the Planning Commission, BOA or the BOCC (e.g. Site plan review for multi-family project must first be reviewed and approved by a Planning Commission prior to the Planning Department reviewing the building permit).
 - b. **Applicability:** The Class 1 development review process shall be used for those development reviews identified as such in this Code, including but not limited to, the following types of applications:
 - i. Site plan review as required by Section 12600 et seq. for certain development that may be administratively reviewed and acted on by the Planning Department, including but not limited to single-family and duplex dwellings and permitted or accessory uses related thereto. If a Planning Commission site plan review is required either by a plat note, a Planned Unit Development (“PUD”) provision or some other legal mechanism, such applications shall instead follow the Class 4 development review process and such items shall be placed on the Planning Commission’s consent agenda.
 - ii. The Class 1 development review process is also the review process for building permits for projects that have been first reviewed and acted on by the Planning Department, Planning Commission, BOA or the BOCC.
 - iii. Small scale solar, small scale wind, and small scale wood burning energy systems as provided for in Section 3507 et seq.
 - iv. [Short-term vacation rental permits as provided for in Section 3821 et. seq.](#)

PROPOSED AMENDMENTS TO CHAPTER 15: DEFINITIONS

Short-term Vacation Rental Property. A short-term vacation rental property is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days. A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this Code.

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